REMARKS

In a Final Office Action mailed January 21, 2004, claims 1-28 were rejected, and claims 29-67 were indicated as withdrawn from consideration. In response, the Applicant has filed a Request for Continued Application (RCE) accompanied by this Submission. In this Submission, claims 1 and 24 have been amended. Previously withdrawn claims 29-67 have also been cancelled. Claims 1-28 remain pending in the application. In accordance with 37 CFR 1.121 (f) no new matter has been added.

Objections to Specification Under 35 U.S.C. 112, First Paragraph

In the Final Office Action mailed January 21, 2004 the Examiner objected to the specification as "not being written in such full, clear concise and exact terms as to enable anyone of ordinary skill in the art to practice the invention in its best mode." Specifically, the Examiner was concerned that the Waste Reduction Module was not described in such terms which would allow those skilled in the art to understand how the Waste Reduction Module "really works". The Applicants respectfully urge the Examiner to withdraw this objection to the specification, the Applicants noting that the specification in paragraph [0031] discloses that "the Waste Reduction Module 20 *interfaces* with various process analysis models and/or process simulation models". Many such simulation models are commercially available (e.g. OSI Systems, ASPEN, ICARUS etc.) and are known to those skilled in the art. Paragraph [0031] discloses one such commercially available process model, the Hydromantis GPS-X computer product.

The various elements of commercially available process models are believed to include essentially all of the elements present in the Waste Reduction Module. For purposes of the discussion and argument which follows the process model is therefore treated as being synonymous with the Waste Reduction Module. Thus, a "working model" showing how the Waste Reduction Module functions is not necessary to the specification. Waste Reduction Modules are known articles of commerce and those skilled in the art are familiar with how they function.

The Examiner Expressed concern about how the Waste Reduction Module would "handle multiple models for multiple processes using data from multiple sources. The Applicants again urge that the commercially available Waste Reduction Modules such as the Hydromantis GPS-X system disclosed in paragraph [0031] are known to handle multiple models and data from multiple sources. The Applicants note that they are required to disclose, for the claimed subject matter, the best mode contemplated by the Applicants even where the Applicants are not themselves the inventors of that best mode (MPEP 2165). Here, the Applicants are not claiming a Waste Reduction Module but rather its use in the reduction of wastes from an industrial process. The Applicants consider the commercially available Waste Reduction Modules to represent the best mode for completing the tasks assigned the Waste Reduction Module under the Applicants' claimed method of reducing industrial wastes. In view of the foregoing, the Applicants respectfully request that the objection to the specification under 35 U.S.C. 112, first paragraph be withdrawn.

Rejection of Claims 1-28 Under 35 U.S.C. 112, First Paragraph

In the Final Office Action mailed January 21, 2004 the Examiner rejected claims 1-28 under 35 U.S.C. 112, first paragraph as "claiming subject matter which was not described in the specification in such a way as to enable one skilled in the art ... to make and/or use the invention". The Applicants respectfully traverse this rejection. The Applicants urge that each of the elements found in claims 1-28 is sufficiently disclosed in the specification to allow those skilled in the art to make and use their invention. The Applicants note that the commercially available Waste Reduction Modules which form a key element of their invention are disclosed in paragraph [0031] of the Application were contemplated by the Applicants as representing the best mode for carrying out the tasks of the Waste Reduction Module. Thus, the specification provides support to the recitation of a Waste Reduction Module in the claimed invention. In view of the foregoing, the Applicants respectfully request that the rejection of claims 1-28 under 35 U.S.C. 112, first paragraph be withdrawn.

State of the Art and the Level Predictability in the Art

In the Final Office Action mailed January 21, 2004 the Examiner referred to US and foreign patents standing for the propositions of monitoring hazardous or toxic waste using corresponding detectors, and collecting information on the central processor, or methods of reducing wastes employing corresponding physical or chemical processes. The Examiner noted, however, that the prior art does not disclose critical elements of the instant invention, "[t]he prior art does not predict the ways of reducing wastes by collecting information on the output of [an] industrial process and transforming it through the local or global network."

The Examiner alleges that no working examples are present in the specification. The Applicants respectfully counter that Figure 3 and its accompanying written description (paragraphs [0028-00031]) provide a reasonably clear example of how the invention works. Thus, waste solids 74, wastewater 76, and emissions 80 are monitored using monitor 82 to detect the wastes arising in the industrial process 66. The information from the monitor is transferred via a communications network 48 to a waste reduction module 20 located on a server 50. The waste reduction module 20 is equipped with a process model of the particular industrial process being monitored. The output of the waste reduction module 20 is at least one process parameter 88 which is then transferred via the communications network 48 for use at the site of the hypothetical industrial process.

Rejection of Claims 25-28 Under 35 U.S.C. 112, First Paragraph

The Examiner has rejected claims 25-28 under 35 U.S.C. 112, first paragraph, "as failing to comply with enablement requirement". The Applicants respectfully traverse this rejection. Claim 25 recites:

> A method of displaying industrial waste information from an industrial process, the method comprising:

acquiring process information concerning the industrial process, the process information acquired from a globally distributed computing network, the process information comprising at least one of i) concentration of a chemical species used by the industrial process, ii) concentration of a pollutant produced by the industrial process, iii) concentration of an effluent discharged from the industrial process, iv) flow rate of the chemical species used by the industrial process, v) flow rate of the pollutant produced by the industrial process, and vi) flow rate of the effluent discharged from the industrial process;

acquiring a process parameter that may reduce waste from the industrial process; and

displaying an image comprising at least one of the process information and the process parameter.

The Examiner expressed concern that "the specification does not disclose how it is possible to acquire process information concerning industrial process information from a globally distributed computing network". The Applicants urge that this concern is misplaced because the specification makes it plain that the Waste Reduction Module lies at the heart of data gathering, manipulation and display according to the method of the present invention. The Waste Reduction Module described as being commercially available in paragraph [0031] would be well understood by those skilled in the art as to its means of data handling. The Applicants believe that the specification enables claims 25-28 and therefore urge the Examiner to withdraw their objection under 35 U.S.C. 112, first paragraph.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 1-28. Should the Examiner feel that anything further is required to put the Application in better condition for allowance, the Examiner is requested to contact the Applicant's representative indicated below.

Respectfully submitted,

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